

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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JASON CISNE,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	No. 14-129
	:	
VINCENT MOONEY, <u>ET AL.</u> ,	:	
Respondents.	:	
	:	

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**ORDER**

**AND NOW**, this 8<sup>th</sup> day of January, 2015, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, Petitioner's "Motion for Stay and Abeyance," the response thereto, Respondents' "Motion for Clarification of Proposed Order," and after review of the Report and Recommendation of United States Magistrate Judge Richard A. Lloret, and there being no objections to the Report and Recommendation<sup>1</sup>, it is hereby

**ORDERED** that:

1. The Report and Recommendation (doc. no. 11) is **APPROVED** and **ADOPTED**;
2. Petitioner's "Motion for Stay and Abeyance" (doc. no. 2) is **GRANTED**;
3. Respondents' "Motion for Clarification of Proposed Order" (doc. no. 12) is **GRANTED**;
4. The Petition for Writ of Habeas Corpus (doc. no. 1) is **STAYED and HELD IN ABEYANCE** while Petitioner's PCRA petition/appeal is pending in Pennsylvania courts; and

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<sup>1</sup> Although Respondents have moved for me to clarify Judge Lloret's proposed order so as to "explicitly condition the stay on the prisoner's pursuing state court remedies within a brief interval, normally 30 days, after the stay is entered and returning to federal court within a similarly brief interval, normally 30 days after state court exhaustion is completed," Rhines v. Weber, 544 U.S. 269, 278 (2005) (quoting Zarvela v. Artuz, 254 F.3d 374, 381 (2d Cir. 2001)), they have not otherwise objected to the Report and Recommendation.

5. Petitioner must notify this Court of his intent to proceed with his federal habeas Petition **within thirty (30) days of the date his PCRA petition/appeal is no longer pending** to avoid dismissal of this Petition.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

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**MITCHELL S. GOLDBERG, J.**